new jobs while limiting the benefits available to my current employees. I currently employ 60 people who work an average of 25 hours per week and earn the current minimum wage as defined by Maine law—$7.50 per hour. All but a handful of these people were hired within the last 6 months. Mathematically, an increase in the federal minimum wage would cost me an extra $3,900 per week or $208,000 per year ($2.60 × 25 × 60 × 52). As I mentioned above, my net income for last year was approximately $35,100—with an extra $208,000 in expenses, I will very likely be forced to close my business.

In order to remain in business and continue to employ over 140 individuals, these costs must be recouped somewhere. Most likely, I will be forced to cut employee hours, increase menu prices and/or freeze all possible new hires. The industry has developed equipment engineered to reduce labor hours in the restaurant—an increase in minimum wage would make the purchase of this equipment a more likely consideration. These employees are my second family—many of them have worked for me for over 10 years. A small handful have even been with me for over 20 years. Having to cut their hours or even lay off employees would be almost as devastating to me as it would to my employees.

While an increase in the minimum wage doesn't take into account the overwhelming financial burdens of ACA implementation, I have additional costs that are cutting into my already minimal profits. Increases in food and energy costs have been rising steadily over the last several years. I must additionally consider the fact that my higher paid employees will also be seeking an increase in pay as a result of an increase in minimum wage. My payroll costs are at 30 percent of my net sales with the current wage structure. Simply put, another costly government mandate such as an increase in minimum wage may be the nail in my business's coffin.

THE ACTUAL ''MINIMUM WAGE''

In truth, the ''minimum wage'' is not a floor—it is an opportunity for those who may neither want nor have access to other employment. It is a ''starting wage'' in which primarily young, inexperienced workers are given the training and experience they would have not otherwise received. As a result of hard work and dedication, many quickly receive pay increases and are promoted within the organization.

The majority of my employees have been promoted due to their hard work and dedication and now serve as managers in my restaurants. In fact, my four General Managers began their careers with me earning the minimum wage and have worked their way to the top position in each of my restaurants. All of my hourly managers began by earning the minimum wage and have each worked hard to earn a management position. I strongly believe in developing the talent of individuals.

One hundred percent of my current staff starting at minimum wage are under 25. In fact, 47 percent of federal minimum wage restaurant employees are teenagers, while 71 percent are under the age of 25. The average household income of a restaurant worker that earns federal minimum wage is $62,507. Minimum wage income is often a supplement to family wages or as ''spending money'' for younger workers.

An increase in the federal minimum wage will likely and directly hurt those it was intended to benefit. By increasing costs, small business owners like me will be forced to eliminate entry-level jobs and redistribute tasks to more senior employees. The availability of job opportunities for those who need it the most will decrease and unemployment will likely rise. In sum, a minimum wage increase will hurt both small business owners and their potential employees across the country—the last thing we need in an already stagnant economy.

I'm proud of the opportunity I offer my employees and of course I wish I could pay them more, but my industry business model makes it very difficult. As I referenced previously, this is a labor intensive business with tight margins. It is challenging enough competing with McDonalds, Wendy's and others, but when mandates like ACA and this proposed wage hike are thrust upon me, I get scared, I really do . . . for me and my employees.

Thank you for the opportunity to explain the effect of a minimum wage increase on my business.

Mr. ALEXANDER. I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CRUZ. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ISRAEL

Mr. CRUZ. Mr. President, every Member of this body has expressed our bipartisan commitment for the United States to stand resolutely with our friend and ally, the nation of Israel. Doing so is right, and it is overwhelmingly in the national security interests of the United States of America.

It was therefore with great sadness that I read this morning about the comments of Secretary of State John Kerry, who reportedly suggested at the Trilateral Commission that Israel could become an apartheid state if his proposed two-state solution to the Israeli-Palestinian peace process fails.

Secretary Kerry has long experience in foreign policy, and he understands that words matter. Apartheid is inextricably associated with one of the worst examples of state-sponsored discrimination in history—the apartheid system in South Africa that was ultimately brought down by the heroic resistance of Nelson Mandela inside the country, supported by a concerted campaign of diplomatic and economic sanctions by the international community.

There is no place for this word in the context of the State of Israel. The term ''apartheid'' means apart, different, and isolated—the state of the victims of apartheid with which the Jews are tragically all too familiar. The notion that Israel would go down that path—and so face the same condemnation that faced South Africa—is unconscionable. The United States should be aggressively asserting that Israel can never be made an apartheid nation while America exists and stands beside her because America will be with Israel regardless of the status of the diplomatic process.

Fifteen months ago, almost to the day, John Kerry was confirmed by this body by a vote of 94 to 3. Despite my preference for giving the President the Cabinet members of his choice, I found that I could not join the vast majority of my colleagues and support his nomination because I was convinced that as Secretary of State, John Kerry would place what he considered to be the wishes of the international community above the national security interests of the United States.

I fear that with these most recent ill-chosen remarks, Secretary Kerry has proven these concerns well founded. Rather than focusing on our clear national security interests—which is continuing to guarantee Israel's security through our unquestionable commitment to it—Secretary Kerry has instead repeatedly demonstrated a willingness to countenance a world in which Israel is made a pariah because it will not sacrifice its security to his diplomatic initiatives; likewise, he has previously suggested that Israel might probably be subject to boycotts for the same grounds.

It is no wonder Israel's Defense Minister remarked in January that ''the only thing that can 'save us' is for John Kerry to win a Nobel Prize and leave us in peace.''

Indeed, my colleague, the senior Senator from Arizona, has suggested that the foreign policy carried out by Mr. Kerry is the equivalent of a ''human wrecking ball.'' The fact that Secretary Kerry sees nothing wrong with making a statement comparing Israel's policy to the abhorrent apartheid policies of South Africa—and doing so on the eve of Holocaust Remembrance Day—demonstrates a shocking lack of sensitivity to the incendiary and damaging nature of his rhetoric.

Sadly, it is my belief that Secretary Kerry has proven himself unsuitable for the position he holds and, therefore, before any further harm is done to our national security interests and to our critical alliance with the nation of Israel, that John Kerry should offer President Obama his resignation and the President should accept it.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

NOMINATION OF MICHELLE T. FRIEDLAND TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT—Resumed

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The assistant legislative clerk read the nomination of Michelle T. Friedland, of California, to be United States Circuit Judge for the Ninth Circuit.

Mr. LEAHY. Mr. President, more than 2 weeks ago, the Senate voted to end the filibuster on the nomination of Michelle Friedland of California to fill a judicial emergency vacancy on the U.S. Court of Appeals for the Ninth Circuit. That vote was the fourth time this year that the Senate had to overcome a Republican filibuster of a highly qualified circuit court nominee. In stark contrast, the Senate confirmed 18 of President Bush's circuit nominees within a week of being reported by the Judiciary Committee.

The Ninth Circuit is the busiest circuit court in the country. It has the highest number of appeals filed, the highest pending appeals per panel and the highest pending appeals per active judge. It also takes far longer than any other circuit court to resolve an appeal. The delay in resolving these appeals hurts the American people. After the confirmation last month of John Owens and what I expect will be today's confirmation of Michelle Friedland, the Ninth Circuit will be operating at full strength for the first time in more than 9 years. This is an important milestone, but we should not stop there. There are five additional circuit court nominees awaiting Senate confirmation. I hope that Senators who care about Americans having access to the courts will allow the Senate to confirm these nominees without further delay.

Michelle Friedland is an exceptionally talented attorney, who like the other 19 judicial nominees confirmed earlier this year, could and should have been confirmed last year. She was first nominated last August and after her hearing was delayed due to the Republican shutdown of our government, she finally came before the Judiciary Committee for a hearing in early November.

In January, Ms. Friedland's nomination was voted out of the Judiciary Committee with bipartisan support and she has the strong support of both of her home state Senators—Senator FEINSTEIN and Senator BOXER. Nevertheless, we were once again forced to follow the costly ritual of filing and voting on cloture and wasting valuable floor time. There is no good reason we could not have voted to confirm Ms. Friedland last year, and there is no good reason that we did not have a vote to confirm her 2 weeks ago. Meanwhile, it is our Federal judiciary and the American people who suffer from these delays.

If confirmed, Michelle Friedland would increase the gender diversity on the Ninth Circuit Court of Appeals. She would be the seventeenth woman to ever sit on this appellate court. In comparison, 83 men have been appointed to the Ninth Circuit over the course of its history. Her confirmation will bring the percentage of active female judges sitting on the Ninth Circuit Court of Appeals to nearly 38 percent. Her confirmation will also mark the first time since the 29th judgeship was added in 2007, that it has had a full complement of active judges serving on this busy appellate court.

I hope my fellow Senators will join me today to confirm Michele Friedland to the Ninth Circuit so that she can get to work for the American people.

● Mr. INHOFE. Mr. President, I wish to express my opposition to the nomination of Michelle Friedland to the Ninth Circuit Court of Appeals.

Although Ms. Friedland has a fine resume, it is not her work experience that concerns me but, rather, her views on many issues—views that should give anyone reason to question her appointment as a U.S. Circuit Court judge. Most troubling to me is Ms. Friedland's views that the International Court of Justice preempts U.S. law, despite the Supreme Court's repeated rejection of this notion. For those who don't know, the International Court of Justice is the judicial arm of the United Nations and Ms. Friedland believes decisions from this court should be binding on state courts in the U.S. I am thankful that the Supreme Court hasn't agreed with her and I'm fearful that her appointment to the Ninth Circuit will give her the opportunity to surrender U.S. sovereignty to foreign courts and international law.

Another reason we, as legislators, should oppose Ms. Friedland is that she has expressed views that indicate judges are free to legislate from the bench. As we all learn in grade school, the legislative branch creates the laws, the executive branch enforces them, and the judicial branch interprets them. Despite this, Ms. Friedland believes laws have no force unless a judge says they do. So when legislators, elected by the people, pass a law or a constitution is amended, the new law has no power until a judge deems it enforceable and a constitution, state or U.S., does not create any rights unless the judiciary says it does. This is a dangerous notion that tells me that Ms. Friedland is likely to only enforce laws and constitutional rights with which she agrees.

It is for these reasons that I am opposed to this nomination.●

The PRESIDING OFFICER. Under the previous order, the question occurs on the nomination.

Ms. MIKULSKI. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Michelle T. Friedland, of California, to be United States Circuit Judge for the Ninth Circuit?

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. COONS), the Senator from Alaska (Mr. BEGICH), the Senator from Iowa (Mr. HARKIN), the Senator from Louisiana (Ms. LANDRIEU), and the Senator from Arkansas (Mr. PRYOR) are necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Arkansas (Mr. BOOZMAN), the Senator from Kansas (Mr. MORAN), the Senator from Florida (Mr. RUBIO). and the Senator from Oklahoma (Mr. INHOFE).

Further, if present and voting, the Senator from Arkansas (Mr. BOOZMAN) would have voted ''nay,'' and the Senator from Oklahoma (Mr. INHOFE) would have voted ''nay.''

The PRESIDING OFFICER (Mr. DONNELLY). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 51, nays 40, as follows:

[Rollcall Vote No. 108 Ex.]

YEAS—51

Baldwin	Heinrich	Nelson
Bennet	Heitkamp	Reed
Blumenthal	Hirono	Reid
Booker	Johnson (SD)	Rockefeller
Boxer	Kaine	Sanders
Brown	King	Schatz
Cantwell	Klobuchar	Schumer
Cardin	Leahy	Shaheen
Carper	Levin	Stabenow
Casey	Manchin	Tester
Collins	Markey	Udall (CO)
Donnelly	McCaskill	Udall (NM)
Durbin	Menendez	Walsh
Feinstein	Merkley	Warner
Franken	Mikulski	Warren
Gillibrand	Murphy	Whitehouse
Hagan	Murray	Wyden

NAYS—40

Alexander	Fischer	Murkowski
Ayotte	Flake	Paul
Barrasso	Graham	Portman
Blunt	Grassley	Risch
Burr	Hatch	Roberts
Chambliss	Heller	Scott
Coats	Hoeven	Sessions
Coburn	Isakson	Shelby
Cochran	Johanns	Thune
Corker	Johnson (WI)	Toomey
Cornyn	Kirk	Vitter
Crapo	Lee	Wicker
Cruz	McCain	
Enzi	McConnell	

NOT VOTING—9

Begich	Harkin	Moran
Boozman	Inhofe	Pryor
Coons	Landrieu	Rubio

The nomination was confirmed.

Mr. REID. Mr. President, I ask unanimous consent that the rest of the votes tonight be 10 minutes in duration.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule